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7 **BEFORE THE PUBLIC DISCLOSURE COMMISSION**
8 **OF THE STATE OF WASHINGTON**

9 In the Matter of Enforcement Action
10 Against:

11 JIM WILSON,

Respondent.

NO. 06-249

STIPULATION AS TO FACTS,
VIOLATIONS AND PENALTY

12 The parties hereto, the Public Disclosure Commission Staff, by and through its attorney
13 of record, LINDA A. DALTON, Senior Assistant Attorney General, and the Respondent, JIM
14 WILSON, submit this Stipulation as to Facts, Violations and Penalty in this matter.

15 **I. JURISDICTION**

16 1. Jurisdiction of this proceeding is based on Chapter 42.17 RCW, the Public Disclosure Act,
17 Chapter 34.05, Administrative Procedure Act, and Title 390 WAC.

18 **II. FACTS**

- 19
20 2. Respondent, Jim Wilson ("Wilson"), was the Fire Chief for the Vashon Island Fire and
21 Rescue (VIF&R) at all times material to this matter.
- 22 3. Wilson became VIF&R Chief in 2000. In April 2006, he announced his retirement which
23 will be effective in October 2006. He is presently on leave status until the effective date of
24 his retirement.
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1 4. During 2005, SharonLee Nicholson and Scott Rice served as fire commissioners for
2 VIF&R. Ms. Nicholson served as Chair of the Commission in 2005.

3 5. Nicholson and Rice were also candidates for re-election in 2005. Nicholson had one
4 opponent in the general election, Gayle Sommers. Rice had one opponent in the general
5 election, David Hoffman.

6
7 6. Both Nicholson and Rice were defeated in the November 8, 2005 general election.

8 **September 2005 Issue of *Fireline News***

9 7. The *Fireline News* is a publication of VIF&R. The ultimate responsibility for the content
10 and distribution of the *Fireline News* rested with Wilson.

11 8. The *Fireline News* was published once in 2002, once in 2003 and once in 2004.

12 9. In November or December 2004, discussions among VIF&R staff, including Wilson, began
13 about publishing more frequent editions of the newsletter.

14
15 10. In 2005, the *Fireline News* was published on four occasions, Winter 2005, July 2005,
16 September 2005 and October 2005.

17 11. Following community-based meetings in 2005 and after discussion with his staff, Wilson
18 decided to feature individual commissioners in the newsletter.

19 12. The first commissioner featured was Nicholson in the September 2005 issue, a copy of
20 which is attached. The issue featured a front page article and picture of Nicholson. At the
21 time the newsletter was published, Nicholson was a candidate for re-election. With the
22 assistance of Lea Gaskell, Chief Wilson's daughter and volunteer Public Information
23 Officer for VIF&R, Nicholson wrote the article that appeared in the September 2005 issue
24 of the *Fireline News*. The article featured biographical information about Ms. Nicholson
25 and highlighted her community involvement, education and personal accomplishments.
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1 The article listed her goals when she first became a Fire Commissioner, and stated that
2 since becoming a Commissioner, the board had been successful in achieving its goals. The
3 article concluded by saying, "I am proud to be a member of the VIFR team. In the past, the
4 team has met and overcome obstacles to achieve community goals. We are prepared to
5 meet the challenges of the future."
6

7 13. The September 2005 *Fireline News* was received from the printer on September 12, 2005
8 and if sent at that time, would have been mailed just prior to the primary election of
9 September 20, 2005. However, Commissioner Jan Nielson (a commissioner not up for
10 election) questioned the timing of the distribution, and Wilson decided to mail it one day
11 after the primary election. The September 2005 *Fireline News* was mailed to all routes and
12 box holders (6,156), at a cost for printing and postage of \$2,214.38.
13

14 14. Following the mailing, Wilson received phone calls from citizens complaining about the
15 "promotion" of Nicholson while she was a candidate for fire commissioner.

16 **October 2005 Edition of *Fireline News***

17 15. On October 4, 2005, the VIF&R, with Wilson's approval, produced and mailed an edition
18 of the *Fireline News* that addressed questions received from the public in response to issues
19 being debated by candidates running for fire commissioner. A copy of the October
20 *Fireline News* is attached.
21

22 16. The October 2005 edition of the newsletter was mailed one month before the general
23 election. It was sent to all routes and box holders (6,156) in the fire district at a cost for
24 production and postage of \$2,403.87.
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1 17. The cost for the September and October newsletters was \$4,618.25. In addition, the
2 estimated cost of Wilson's time spent on the two newsletters was \$768, making the total
3 cost for the September and October newsletters \$5,386.25.

4 18. The headline of the October *Fireline News* was "Fire FAQs - Separating Fact from
5 Fiction." The newsletter was a compilation of three letters written by Wilson that
6 previously ran in the Beachcomber Newspaper, the local Vashon Island newspaper.

7 19. The content of the introduction to the October 2005 issue that is campaign related and
8 assists incumbent commissioners is as follows:
9

10 "As we move closer to the November General Election, it is in every voter's best
11 interest to have accurate information on which to formulate an intelligent and
12 informed choice when casting your ballot. ... We invite all candidates and voters
13 to contact any staff member at the office to inquire about current issues. ... Vashon
14 is home to a lightning-quick rumor mill that may not always be accurate. When
15 you hear someone preface an issue with "I've been told" or "I hear" please check
16 the sources and verify the facts for yourself. Our community deserves elected
17 officials based on merit and qualifications, not an inaccurate rumor mill. ..."

18 20. Wilson requested and received legal advice from the VIF&R attorney concerning the
19 appropriateness of the content of the October 2005 newsletter. Wilson was advised that the
20 content did not violate state law.

21 21. In reviewing the answers to the questions posed in the October 2005 *Fireline News*, the
22 bolding, italicizing and content of particular sentences constitutes advocacy on behalf of
23 the incumbent commissioners. Examples which are underlined in the October 2005
24 *Fireline News* attached, include:

25 A. VIF&R is designed to be independent and versatile. To prepare otherwise is
26 irresponsible and not acceptable.

B. Our responders care only for you in your time of need.

1 22. Additionally, the content of particular sentences constitute opinions, rather than factual
2 assertions, and support the incumbent commissioners. Examples of this support which are
3 again underlined in the copy of the October 2005 attached include:

4 A. While many districts do not maintain an adequate reserve fund, VIF&R should not
5 be criticized for fiscal responsibility.

6 B. We were very successful!

7 C. The Board and administration would never presume to dictate or unduly influence
8 how a primary patient provider makes transport decision.

9 D. Between September 2000 and the end of 2005, for every \$1 in salary paid to the fire
10 chief, \$5.65 in additional funding has been returned to the system.

11 23. Wilson states that it was never his intention to promote the election of any candidate or
12 assist in any campaign. He does recognize, however, that these publications will likely be
13 interpreted in that manner. He also recognizes that "ignorance of the law" and the
14 following legal advice are not sufficient justifications for what occurred.

15 24. Wilson cooperated fully in the investigation of the complaints filed against him.
16

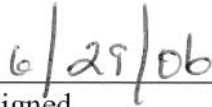
17 III. VIOLATIONS

18 Based on the foregoing, the parties stipulate that the Respondent, Jim Wilson,
19 committed violations of RCW 42.17.130 when he authorized the publication of and approved
20 the content of the September 2005 and October 2005 editions of the *Fireline News* which
21 assisted the campaigns of incumbent fire commissioners in the Vashon Island Fire & Rescue
22 District. These publications were each distributed to approximately 6,156 routes and box
23 holders on Vashon Island.
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1 **IV. PENALTY**

2 Respondent and Staff agree that based upon the above stipulations as to facts and
3 violations of Chapter 42.17 RCW, the Respondent accepts an assessed total civil penalty of one
4 thousand dollars (\$1,000). Five hundred dollars (\$500) will be suspended on the condition that
5 the Respondent is not found in violation of RCW 42.17.130, as determined by the Full
6 Commission, for a period of two years from the date of entry of the Commission's Final Order
7 in this matter. The Respondent agrees to pay the non-suspended portion of the penalty from
8 non-public funds within 180 days of the entry of the Final Order. The Respondent agrees to
9 fully comply in good faith with all provisions of Chapter 42.17 RCW in the future.

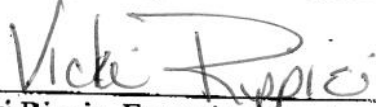
10 
11 Vicki Rippie, Executive Director


Date Signed

12
13 Jim Wilson

Date Signed

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5 
6 Vicki Rippie, Executive Director

6/28/06
Date Signed

7 
8 Jim Wilson

6/28/06
Date Signed

Fireline News



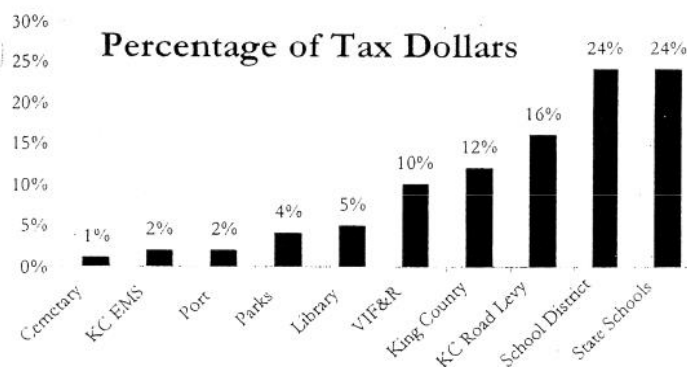
Disclosure Commission

No Tax Increase Since '90

By: Jim Wilson, Fire Chief

While participating in the Community Council's new subcommittee, Finance Manager Matt Sullivan pointed out the taxes you pay to support VIF&R have not been significantly increased in 15 years. VIF&R has not gone to a vote of the people to raise taxes since 1990.

Emerging from the research is validation that VIF&R has and will continue to be customer service oriented while being fiscally responsible. From 2000 through 2004 the District has experienced a nearly 40% increase in emergency call-for-service volume. While increasing the number of emergency responses we have also reduced the average response time from the main fire station from 9.95 to 5.05 minutes (in their primary response zone). While response times have also declined to Burton, Tahlequah and Maury Island, they have not been quite so dramatic. In keeping with the goals of our 2000 Customer Centered Strategic Plan, the Board and staff are currently working toward improving service to those neighborhoods also.



During that same time period, VIF&R has replaced old and unsafe apparatus and equipment, transitioned the Training and Safety Division to comply with national fire certification standards as well as L&I and OSHA compliance, and increased the number of volunteer members. Career firefighters and paramedic staffing has increased to now ensure two firefighter/EMTs and two paramedic/firefighters are on duty 24/7/365.

The truly significant element of system change and customer service enhancement is your taxes paid to support VIF&R has not been significantly increased. VIF&R has not gone to a vote of the people to raise taxes in 15 years. Other public agencies on Vashon, since 1990, have successfully asked the voters to raise taxes 16 times. While Fire District spending has increased over the years, matching revenue increases have been acquired from non-Vashon tax-based sources as well as grant funding. For the past five years our community has received enhanced life-saving, property-preserving customer service while not contributing increased property tax funding. When compared to many other public agencies — that's fiscal responsibility.

A Message from SharonLee Nicholson— VIF&R Board Chair



I joined VIFR In January 2003, appointed to one of two board positions created by the voters the previous year. A long-time Islander, I served six years as a Vashon Cemetery District Commissioner and as community volunteer from Vashon to Teheran, Iran. I attended the UW, focusing on local governance.

After earning my Masters degree in Public Administration, I accepted a position with the City of Seattle where I now focus on HR project management and compensation plan design and administration. My education continues: I have become certified as senior human resources professional by both the *Society for Human Resource Management* and the *World at Work* (formerly American Compensation Association).

I approach my job on the Board of Commissioners systematically. Successful organizations depend on a strong Human Resource system and the 2003 Board saw a need to strengthen the HR system, forming the Personnel Committee. I currently chair the committee that meets to address and make recommendations to the full Board on various human resource issues. A major accomplishment of the Personnel Committee was development of an exempt employee compensation plan that was subsequently implemented by the Board.

My personal goal is consistent with that of my colleagues on the Board: implement the priorities and goals identified by the community in the 2000 Strategic Plan. The plan outlines what the public wanted: quicker emergency response times, responsible financial management, and a customer-based approach to delivering fire protection and emergency response.

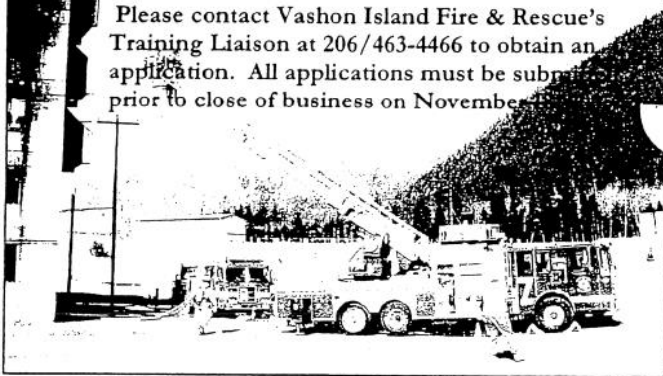
We are achieving the results the public asked for. Our emergency response times have dropped by nearly 5 minutes per call despite call volume increases of about 40% since 2000. The Board has supported the development of community-wide disaster planning and more than 50 volunteers now are involved with Emergency Operations Center activities and neighborhood emergency preparedness. We have formalized and will continue to improve our human resources systems.

We are achieving the public's goals in the 2000 Customer Centered Strategic Plan within budget and without an increase in taxes. I am proud to be a member of the VIFR team. In the past the team has met and overcome obstacles to achieve community goals. We are prepared to meet the challenges of the future.

Calling All Volunteers for 2006 Fire Fighting Academy

Vashon Island Fire & Rescue is currently recruiting candidates for the 2006 Volunteer Fire Recruit Academy beginning January 2006. The academy will be an intensive six months of self study, Wednesday night and Saturday classes. The majority of classes will be held at Vashon Island Fire & Rescue's Training Center. Recruits who successfully complete the academy will receive Washington State Firefighter I certification.

Please contact Vashon Island Fire & Rescue's Training Liaison at 206/463-4466 to obtain an application. All applications must be submitted prior to close of business on November 15, 2005.



Commissioner Meeting Calendar

You're Invited!

Please join us for upcoming Fire Board of Commissioner Meetings. Future dates are:

September 20, 2005

October 4, 2005

October 18, 2005

November 1, 2005

November 15, 2005

Also, watch for other up & coming neighborhood meetings, as well as budget hearings!

We Want to Hear From You!

Do you have an opinion about the proposed property site for the Burton Fire House?

Give us a call. Please contact Fire Chief Jim Wilson at 463-2405 or contact one of your Fire Commissioners for a one-on-one discussion.

Sixty-Five Years of Volunteer Service — By: Assistant Chief, Mike Kirk

Vashon Island Fire & Rescue continues to need new volunteer firefighters as we have for 65 years. In contrast, however, with the basic firefighting service that our first volunteers provided in the 1940's, today's volunteer may specialize as a Firefighter, Firefighter/EMT, Emergency Medical Technician, support or Associate member.

Today's active volunteers include: 28 Firefighters or Firefighter/EMTs; 29 EMT's; and 10 High School Explorers. This 67-member team with our Career, Associate and Support members combines for a total of 100 emergency responders, at your service.

In addition, you are served by 150 of your neighbors who are trained to provide emergency service through CERT, NERO, Red Cross and the Disaster Preparedness organizations.

Since 1940, 961 citizens have joined the fire district. In 1940, the famous Island artist, Norman Edson, served for one year as a firefighter. Dockton resident, Milt Kranjcevic, served for 50 years (1952-2002). However, the average length of service for all volunteers (1940-2005) is 5.5 years.

We welcome your inquiries or application to volunteer in any capacity. Contact our training center at 463-4466 for more information.

Vashon Island Fire and Rescue
P.O. Box 1150
Vashon, WA 98070

Bulk Rate
U.S. Postage
Paid Permit
No. 57
Vashon, WA
98070

Current Resident or Box Holder

Fireline News



Fire FAQs — Separating Fact From Fiction

As we move closer to the November General Election, it is in every voter's best interest to have accurate information on which to formulate an intelligent and informed choice when casting your ballot. Your fire district does not and cannot endorse any candidate for office. It is, however, District staff's responsibility to ensure accurate information is distributed to every community member in response to inquiries. We invite all candidates and voters to contact any staff member at the office to inquire about current issues. Office hours are 8 AM to 5 PM Monday through Friday. Please telephone; 463-2405, visit; 10020 SW Bank Road, or e-mail; admin@vifr.org with questions and someone will respond immediately. Vashon is home to a lightning-quick rumor mill that may not always be accurate. When you hear someone preface an issue with "I've been told" or "I hear" please check the source and verify the facts for yourself. Our community deserves elected officials based on merit and qualifications, not an inaccurate rumor mill. This newsletter outlines those inquiries along with factual responses. Following are responses based on some previous issues:

VIF&R encourages new volunteers.

Even though the District does employ two firefighters and two paramedics for duty each day, we are now and will be far into the distant future, volunteer-dependant. VIF&R actively recruits new volunteer members. Annually, VIF&R sponsors on-Island Fire Recruit and EMT training academies open to all community members who meet the minimum physical and spare time requirements. While demanding, this is training that benefits both our community and your family. The next Fire Recruit Academy begins in January. *Please join our family to help yours. Call Susan Wolf at 463-4466 for information and an application.*

Why does VIF&R seek grant funding?

The simple answer is; it's the responsible thing to do. Also, at last December's Strategic Planning Meeting the Board charged staff with seeking any and all appropriate grants. *If the District has a need and there is a grant available to fill that need, customer service can be improved at little or no cost to taxpayers.* Staff is charged with researching and writing grant requests. Once awarded, it is up to the Board of Commissioners to evaluate the merits of the award and make the final decision on acceptance.

Is it true VIF&R employs three assistant chiefs?

VIF&R employs only one career assistant chief and maintains one volunteer assistant chief, Mike Kirk. In addition the District employs a career training/safety officer. *All chief officers are certified and qualified in all-risk emergency response.*

With \$2.5 million in the bank, why seek grants?

The District is the benefactor of responsible fiscal management that has resulted in a healthy reserve fund. Being fiscally responsible should not preclude application for grant funding. Also, even though the savings are in the bank, much of it cannot be dedicated to other projects or purchases. Reserves are dedicated to systematic apparatus, equipment and capital replacement without future bonding or borrowing. In addition, the State Auditor recommends districts retain a reserve balance equal to between three and six months of operational expenses. Hurricane Katrina nicely illustrated that need for all who were in doubt. A fire department must provide for continuity of emergency service despite an unanticipated interruption of revenue. *While many districts do not maintain an adequate reserve fund. VIF&R should not be criticized for fiscal responsibility. Grant funding provides service while not raising taxes.*

I keep hearing taxpayer dollars are used to force a private ambulance service out of business.

There is no choreographed effort by the District to force anyone out of business. However, it is not a public agency's responsibility to ensure a private company is awarded business or remains in business. VIF&R's mission is to respond to emergency calls-for-service and resolve the customer's issue quickly and efficiently. In the case of EMS calls our member designated as the primary care provider is charged with making treatment and transport decisions in the patient's best interest. In concert with a physician, our responder in the field is entrusted with implementing the very best care possible. The Fire Chief and Board of Commissioners should not and can not make those decisions from the office by policy. It is impossible for a single car ambulance company with only two employees to ensure 24/7/365 service. Based on a dramatic increase of simultaneous two, three, and even four call-for-service situations, VIF&R undertook a system re-design to ensure uninterrupted treatment and transport service. *We were very successful!* VIF&R has now provided adequate staffing to meet current community needs. Our new volunteer and volunteer resident members are on-line and eager for experience. It is they, paired with an experienced member, who have opted to transport many of our patients believing District apparatus and equipment to be superior to the private service. When a community member calls 9-1-1, the District is responsible to respond and make medical decisions in conjunction with and on behalf of the patient. Please remember, however, there is no requirement to call 9-1-1. If you desire private transport, you are encouraged to call the private service. The District entrusts our trained responders with life and death decisions on a daily basis. *The Board and administration would never presume to dictate unduly influence how a primary patient provider makes transport decisions.* VIF&R's responders do not deny or award clients to a private business based on like or dislike. *Our responders care for only you in your time of need.*

What is "nice-to-have" equipment or apparatus?

The assumption would be reference to non-vital or possibly excessive amounts of equipment. Unfortunately, the District does not have the latitude to purchase unnecessary equipment. *Every piece of equipment or apparatus owned by the District meets a vital and necessary life-saving or property-preserving need.* Since we are an island community, VIF&R does not enjoy rapid mutual or automatic aid from neighboring emergency response agencies. VIF&R must plan, train, and equip as an all-risk emergency response organization and be capable of immediate response under all conditions. On two previous occasions the District has requested mutual aid assistance, the first took over 2 ½ hours to arrive, the second nearly three. It is not acceptable to ask our customers to wait that long for service.

Calling All Volunteers for 2006 Fire Fighting Academy

Vashon Island Fire & Rescue is currently recruiting candidates for the 2006 Volunteer Fire Recruit Academy beginning January 2006. The academy will be an intensive six months of self study, Wednesday night and Saturday classes. The majority of classes will be held at Vashon Island Fire & Rescue's Training Center. Recruits who successfully complete the academy will receive Washington State Firefighter certification.

Please contact Vashon Island Fire & Rescue Training Center at 4466 to submit an application. You must submit your application by November 18, 2005.

Why is VIF&R proposing to replace the Burton Fire Station?

The simple answer to a complex issue is the current building has been judged seismically unsound and may not withstand a sizable earthquake. That building houses over \$1.25 million in apparatus and associated equipment that may not be available when disaster strikes. The more complex facet of the issue addresses the level of customer service to that portion of Vashon Island south of Judd Creek Bridge. In emergency response, time equals life and property preservation. Through recent system upgrades, response times to the primary response area of the main Vashon Fire Station have been reduced on average from 9.95 minutes in 2001 to 5.05 minutes in a comparable period of 2005. While response times to Burton and Tahlequah have declined, results have not been as positive and are still too high. The District's new volunteer resident program has been very successful and staffing exists to transfer to a Burton-area station that can accommodate overnight stays. Also, to augment volunteer staffing, grant funding is being sought to bolster times of day when volunteer members are generally not available. *Reducing average response time is achievable.*

Why does VIF&R maintain so many vehicles and so much equipment?

In emergency response, time saved means lives and property saved. The District maintains fire engines in each of five stations and aid cars and water tenders (tankers) in three primary stations. Each is strategically located to the best of our current ability. In addition, the District maintains three command vehicles and two staff pickups. Each staff vehicle is equipped with basic emergency medical response equipment and is capable of serving as an incident command post. During wildland fire season, the two pickups are equipped with a slide-in pump/tank unit that converts them into fast attack fire engines. The District also maintains two paramedic vehicles fully stocked with advanced life support (ALS) equipment and field medications. Each medic travels independent of the other in the event of two concurrent ALS calls-for-service. As an additional layer of response five volunteer members carry basic emergency medical equipment including a cardiac defibrillator in their private vehicles. All vehicles are available 24-hours per day for all-risk emergency response. At risk of stating the obvious, Vashon is an Island. Contrary to every other King County agency, we do not enjoy rapid mutual aid from our neighbors. VIF&R must be prepared to split our medics and respond up to four aid cars at once. We must plan and be prepared for multiple simultaneous calls; they have occurred numerous times in the past and will only increase in frequency.

VIF&R is designed to be independent and versatile. Otherwise is irresponsible and not acceptable.

Do my taxes escalate to a higher bracket when the District hires more employees?

There are no "brackets" associated with the District's property tax levy and, unless approved by the voters, the District cannot raise your taxes in excess of the Initiative 747-mandated limits. As illustrated in VIF&R's Financial Forecast, the District receives the same dollar funding from the levy each and every year. With the exception of new construction revenue, VIF&R receives the same operating dollars as approved in 1990. *VIF&R has not requested a voter-approved tax increase in the past 15 years* despite experiencing a 40% increase in emergency call-for-service volume since 2000. For a more detailed explanation of a very complex system, please review the Financial Forecast on the District website; www.vifr.org or call VIF&R's office for an e-mail version.

Is the Fire Chief paid too much?

The Fire Chief's salary is determined by the Board of Fire Commissioners based on comparable salaries paid to other King County and Puget Sound fire chiefs. Comparables, combined with an annual performance review, are used to determine merit increases. One element used to measure performance has been success in attracting additional funding without increasing the District's property tax levy. Grant and outside agency funding has provided substantial additional funds. *Between September 2000 and the end of 2005, for every \$1 in salary paid to the fire chief, \$5.65 in additional funding has been returned to the system.* That additional revenue has permitted the District to meet a 40% increase in call-for-service demand while not asking the voters for a tax increase.

Vashon Island Fire and Rescue
P.O. Box 1150
Vashon, WA 98070

Bulk Rate
U.S. Postage
Paid Permit
No. 57
Vashon, WA
98070

Current Resident or Box Holder